



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

should engage in the cement-contracting business without a license from the city council and without filing a bond with the city guaranteeing the proper construction of work undertaken by the licensee. *Held*, that the ordinance is unconstitutional. *State ex rel. Sampson v. City of Sheridan*, 170 Pac. 1 (Wyo.).

The proper exercise of the police power permits regulation in the interest of the peace, comfort, convenience, and prosperity of the community. See *The Minnesota Rate Cases*, 230 U. S. 352, 404. In the interest of the prosperity of the community certain lines of business endeavor may be regulated with a view to protecting the people thereof against their own improvidence and bad judgment. Thus dealers in investment securities may be licensed under the supervision of the state. *Hall v. Geiger-Jones Co.*, 42 U. S. 539. Similarly the practice of encouraging retail sales by means of "trading stamps" may be regulated. *Rast v. Van Deeman & Lewis*, 240 U. S. 342. But the rule of these cases does not go so far as to permit indiscriminate regulation of any business or occupation as such. Power to regulate should turn largely on the actual existence of the evil sought to be remedied and the magnitude thereof. Of necessity this is an elastic standard. Thus on the validity of license restrictions imposed on itinerant merchants there is a decision each way. *State v. Conlon*, 65 Conn. 478, 33 Atl. 519; *State v. Harrington*, 68 Vt. 622, 35 Atl. 515. Under this principle there is no occasion to quarrel with the decision in the present case.

PUBLIC LANDS — BONÂ FIDE PURCHASER OF CERTIFICATE OF ALLOTMENT — RIGHTS TO IMPROVEMENTS. — The issue of a certificate of allotment of lands under the Choctaw-Chickasaw Agreement was procured by fraud. The certificate was then sold to a *bonâ fide* purchaser. Upon discovery of the fraud the certificate was held for cancellation and the land allotted to others. The *bonâ fide* purchaser seeks by mandamus to have a patent issued to him. *Held*, that the writ should not be granted. *Duncan Townsite Co. v. Lane*, 38 Sup. Ct. Rep. 99.

A *bonâ fide* purchaser of a fraudulently obtained certificate of allotment of public lands who later and in good faith secures a patent is protected. *United States v. Clark*, 200 U. S. 601; *People v. Swift*, 96 Cal. 165, 31 Pac. 16. See 19 HARV. L. REV. 542. But if the purchaser has not secured the patent, and has only the certificate, he has merely an equity and is not protected against the legal owner. *Hawley v. Diller*, 178 U. S. 476. The principal case suggests the question of whether a *bonâ fide* purchaser of a fraudulently secured certificate, who in good faith improves the premises but fails to secure legal title, is entitled to any relief. The general rule is that if a person honestly believing himself rightfully in possession makes improvements he may set off the value of such improvements in any equitable action by the true owner. *Green v. Biddle*, 8 Wheat. (U. S.) 1. The theory is that the true owner must do equity if he seeks the aid of equity. But affirmative action on the motion of one who makes such improvements is denied. *Putnam v. Ritchie*, 6 Paige (N. Y.) 390. The theory is that whatever is attached to the land becomes a part of the land and belongs to the owner. The result is that justice is secured by invoking a technical rule in the one case, and that there is a failure of justice for the same reason in the other. This seems a desirable situation for an application of the principle of unjust enrichment. *Bright v. Boyd*, 1 Story (U. S. Dist. Ct.), 478, 2 Story (U. S. Dist. Ct.), 605. See 2 STORY, EQUITY JURISPRUDENCE, § 799 *b* (n.).

PUBLIC SERVICE COMPANIES — EXCUSES FOR NOT SERVING — FAILURE OF SUPPLY. — Relator applied for a connection to the respondent natural gas company. Before time to make the connection, there was a period of fifteen or twenty days of extremely cold weather; and, although the supply of gas